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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,111	06/14/2001	Albert T. Chow	003493.82510	7918
26652	7590	06/28/2005	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			WONG, BLANCHE	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/881,111

Applicant(s)

CHOW ET AL.

Examiner

Blanche Wong

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-21 and 28-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-43 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10-12, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 13, 15, 16, 19-21 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: In In. 9-10, Examiner suggests replacing -- either one of a Hybrid Fiber Coax (HFC) cable system and a generic Digital Subscriber Line (xDSL) -- with "either one of a Hybrid Fiber Coax cable system or a generic Digital Subscriber Line (xDSL)" or "one of a Hybrid Fiber Coax (HFC) cable system and a generic Digital Subscriber Line (xDSL)" in order to make the limitations more positive for examination. Appropriate correction is required.
2. The indicated allowability of claims 5-6,17 is withdrawn in view of the newly discovered reference(s) to Carew and Murray. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 7** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Carew (U.S. Pat No. 6,526,046).

With regard to cl. 1, Carew discloses

providing access function 26 (integrated access device IAD, col. 3, ln. 32) for connecting said service provider's broadband packet network 12 (telecommunication network, col. 2, ln. 49) wherein said RBN 14 (customer premises equipment CPE, col. 2, ln. 40; see also col. 2, ln. 63-col. 4, ln. 4) is coupled to said service provider's broadband transport network (DSL technology, col. 3, ln. 32-col. 4, ln. 4) using a generic DSL (DSL, col. 3, ln. 19); and

providing call and service termination functions to a plurality of local RBN devices (telecommunication information may include voice, data, etc. col. 2, ln. 53-56)(It is inherent that there is a call and service termination functions to connect between the telecommunication network and CPE).

With regard to cl. 7, Carew discloses the service provider's broadband transport network (DSL technology, col. 3, ln. 32-col. 4, ln. 4) is coupled to said service provider's broadband packet network 12 (telecommunication network, col. 2, ln. 49). See Fig. 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2-4,8,10-12,14,17,18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Carew in view of Murray et al. (U.S. Pat No. 6,751,441).

With regard to cl. 2, Carew discloses the method according to cl. 1, wherein said access functions are provided by a Media Terminal Adapter (IAD, col. 3, ln. 32). However, Carew fails to explicitly show a MTA connected and coupled to an access port.

In an analogous art, Murray discloses a MTA 105 (broadband wireless device) connected and coupled to an access port.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a MTA connected and coupled to an access port. The suggestion/motivation for doing so would have been to localize wireless transmission by using the existing coax cabling. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of a MTA connected and coupled to an access port to obtain the invention as specified in cl. 2.

With regard to cl. 3, Carew discloses the method according to cl. 1, wherein said access functions are provided by a Media Terminal Adapter (IAD, col. 3, ln. 32). However, Carew fails to explicitly show a single unit comprising a MTA integrated with an access port.

In an analogous art, Murray discloses a single unit 105 (broadband wireless device) comprising a MTA integrated with an access port.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a single unit comprising a MTA integrated with an access port. The suggestion/motivation for doing so would have been to localize wireless

transmission by using the existing coax cabling. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of a MTA integrated with an access port to obtain the invention as specified in cl. 3.

With regard to cl. 4, Carew discloses the method according to cl. 1. However, Carew fails to explicitly show the call and service termination functions are provided by an access port sending and receiving wireless signals to said plurality of local RBN devices.

In an analogous art, Murray discloses an RF radiating antenna for radiating the RF frequencies containing the digitized data signal, col. 3, ln. 25-26).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have communication between access port and local RBN devices. The suggestion/motivation for doing so would have been to localize wireless transmission to transport broadband services. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of the call and service termination functions provided by an access port sending and receiving wireless signals to said plurality of local RBN devices to obtain the invention as specified in cl. 4.

With regard to cl. 8, Carew discloses the method according to cl. 1. However, Carew fails to explicitly show a plurality of local RBN devices are wireless.

In an analogous art, Murray discloses wireless devices, col. 3, ln. 27-28.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have wireless devices. The suggestion/motivation for doing so would have been to receive wireless broadband services via wireless access node. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of wireless devices to obtain the invention as specified in cl. 8.

With regard to cl. 10, Carew and Murray disclose the method according to cl. 3. It would have been obvious to have analog and digital communication channels with said plurality of wireless local RBN. The suggestion/motivation for doing so would have been reuse original equipment on premises and to increase communication with more devices.

With regard to cl. 11, Carew discloses the method according to cl. 1. However, Carew fails to explicitly show a residential network.

In analogous art, Murray discloses "inside of house" in Fig. 1 and LAN connected PCs, col. 3, ln. 28.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a residential network. The suggestion/motivation for doing so would have been to use the wireless broadband services [in the comfort of home] Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of a residential network to obtain the invention as specified in cl. 11.

With regard to cl. 12, Carew discloses the method according to cl. 1. However, Carew fails to explicitly show a business network.

In analogous art, Murray discloses "inside of house" in Fig. 1 and LAN connected PCs, col. 3, ln. 28.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a business network. The suggestion/motivation for doing so would have been to use the wireless broadband services [for business purposes] Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of a residential network to obtain the invention as specified in cl. 12.

With regard to cl. 14, Carew and Murray disclose the method according to cl. 8.

Murray further discloses a plurality of wireless local RBN devices includes any home devices and resources (PCs, col. 3, ln. 28), computing devices and resources (PCs, col. 3, ln. 28) and appliances (cordless telephones, col. 3, ln. 27) of communicating with said access port.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have wireless devices. The suggestion/motivation for doing so would have been to receive wireless broadband services via wireless access node. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew



for the benefit of communication between access port and RBN devices to obtain the invention as specified in cl. 14.

With regard to cl. 17, Carew and Murray disclose the method according to cl. 3.

Murray further discloses the access port communicates with said plurality of wireless local RBN devices 125,126 via at least one of a standardized air interface used for analog, digital (digitized data signals, col. 3, ln. 26), circuit, and packet communications to narrowband and broadband wireless devices (col. 3, ln. 27), computing-telephony resources and appliances (col. 3, ln. 28).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have communication between access port and RBN devices. The suggestion/motivation for doing so would have been to receive wireless broadband services via wireless access node. Murray, col. 1, ln. 58-59. Therefore, it would have been obvious to combine Murray with Carew for the benefit of communication between access port and RBN devices to obtain the invention as specified in cl. 17.

With regard to cl. 18, Carew and Murray disclose the method according to cl. 8. It would have been obvious to include a step of sending instructions and information from a device in communication with said service provider's broadband packet network via said service provider's broadband transport network said Media Terminal Adapter coupled to said access port to said plurality of wireless local RBN devices. The

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suggestion/motivation for doing so would have been to provide for multimedia, data voice. Murray, col. 2, ln. 3.

***Allowable Subject Matter***

7. **Claims 28-43** are allowed.

8. Claims 9,13,15,16,19-21,44 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

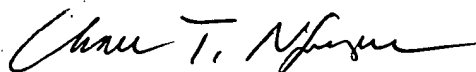
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*BW*

BW  
June 13, 2005



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